

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:18-cv-01979-WHA**

American Small Business League v. Department of Defense  
Assigned to: Judge William Alsup  
Relate Case Case: 3:14-cv-02166-WHA  
Cause: 05:552 Freedom of Information Act

Date Filed: 03/30/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****American Small Business League**

represented by **Qwalyne Elise Lawson**  
Cannata, O'Toole, Fickes, Olson LLP  
100 Pine Street  
Suite 350  
San Francisco, CA 94111  
415-409-8900  
Fax: 415-409-8904  
Email: [qlawson@cofolaw.com](mailto:qlawson@cofolaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Aaron Robert Field**  
Cannata, O'Toole, Fickes, Olson LLP  
100 Pine Street  
Suite 350  
San Francisco, CA 94111  
415-409-8900  
Fax: 415-409-8904  
Email: [afield@cofolaw.com](mailto:afield@cofolaw.com)  
**ATTORNEY TO BE NOTICED**

**Karl Olson**  
Cannata, O'Toole, Fickes & Olson LLP  
100 Pine Street  
San Francisco, CA 94111  
415-409-8900  
Fax: 415-409-8904  
Email: [kolson@cofolaw.com](mailto:kolson@cofolaw.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Department of Defense**

represented by **Ellen London**  
U.S. Attorney's Office  
450 Golden Gate Avenue  
San Francisco, CA 94102  
415-436-7288  
Email: [ellen.london@usdoj.gov](mailto:ellen.london@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/30/2018	<u>1</u>	COMPLAINT against Department of Defense ( Filing fee \$ 400, receipt number 0971-12236017.). Filed by American Small Business League. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Olson, Karl) (Filed on 3/30/2018) (Entered: 03/30/2018)

04/02/2018	<u>2</u>	<p>Case assigned to Magistrate Judge Maria–Elena James.</p> <p>Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E–Filing A New Civil Case</i> at <a href="http://cand.uscourts.gov/ecf/caseopening">http://cand.uscourts.gov/ecf/caseopening</a>.</p> <p>Standing orders can be downloaded from the court's web page at <a href="http://www.cand.uscourts.gov/judges">www.cand.uscourts.gov/judges</a>. Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5–1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. Consent/Declination due by 4/16/2018. (srnS, COURT STAFF) (Filed on 4/2/2018) (Entered: 04/02/2018)</p>
04/02/2018	<u>3</u>	<p><b>Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 6/21/2018. Initial Case Management Conference set for 6/28/2018 10:00 AM. (hdjS, COURT STAFF) (Filed on 4/2/2018) (Entered: 04/02/2018)</b></p>
04/02/2018	<u>4</u>	<p>Summons Issued as to Department of Defense, U.S. Attorney and U.S. Attorney General (hdjS, COURT STAFF) (Filed on 4/2/2018) (Entered: 04/02/2018)</p>
04/06/2018	<u>5</u>	<p>CERTIFICATE OF SERVICE by American Small Business League (Olson, Karl) (Filed on 4/6/2018) (Entered: 04/06/2018)</p>
04/16/2018	<u>6</u>	<p>CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Department of Defense.. (London, Ellen) (Filed on 4/16/2018) (Entered: 04/16/2018)</p>
04/16/2018	<u>7</u>	<p>CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by American Small Business League.. (Olson, Karl) (Filed on 4/16/2018) (Entered: 04/16/2018)</p>
04/16/2018	<u>8</u>	<p>MOTION to Relate Case filed by American Small Business League. (Attachments: # <u>1</u> Declaration)(Olson, Karl) (Filed on 4/16/2018) (Entered: 04/16/2018)</p>
04/17/2018	<u>9</u>	<p>CLERK'S NOTICE OF IMPENDING REASSIGNMENT TO A U.S. DISTRICT COURT JUDGE: The Clerk of this Court will now randomly reassign this case to a District Judge because either (1) a party has not consented to the jurisdiction of a Magistrate Judge, or (2) time is of the essence in deciding a pending judicial action for which the necessary consents to Magistrate Judge jurisdiction have not been secured. You will be informed by separate notice of the district judge to whom this case is reassigned.</p> <p>ALL HEARING DATES PRESENTLY SCHEDULED BEFORE THE CURRENT MAGISTRATE JUDGE ARE VACATED AND SHOULD BE RE–NOTICED FOR HEARING BEFORE THE JUDGE TO WHOM THIS CASE IS REASSIGNED.</p> <p><i>This is a text only docket entry; there is no document associated with this notice.</i> (rmm2S, COURT STAFF) (Filed on 4/17/2018) (Entered: 04/17/2018)</p>
04/18/2018	<u>10</u>	<p><b>ORDER REASSIGNING CASE. Case Reassigned to Judge William H. Orrick. Magistrate Judge Maria–Elena James no longer assigned to the case. This case is assigned to a judge who participates in the Cameras in the Courtroom Pilot Project. See General Order 65 and <a href="http://cand.uscourts.gov/cameras">http://cand.uscourts.gov/cameras</a>. Signed by Executive Committee on 4/18/18. (Attachments: # <u>1</u> Notice of Eligibility for Video Recording)(as, COURT STAFF) (Filed on 4/18/2018) (Entered: 04/18/2018)</b></p>
04/18/2018	<u>11</u>	<p><b>CASE MANAGEMENT CONFERENCE ORDER – Case Management Conference set for 6/19/2018 02:00 PM in San Francisco, Courtroom 02, 17th Floor. Case Management Statement due by 6/12/2018. Signed by Judge William H. Orrick on 04/18/2018. (jmdS, COURT STAFF) (Filed on 4/18/2018) (Entered: 04/18/2018)</b></p>
04/19/2018	<u>12</u>	<p>Proposed Order <i>re Motion to Relate Case</i> by American Small Business League. (Olson, Karl) (Filed on 4/19/2018) (Entered: 04/19/2018)</p>
04/20/2018	<u>13</u>	<p>RESPONSE to <u>8</u> <i>Administrative Motion to Relate Case</i> by Department of Defense. (Attachments: # <u>1</u> Proposed Order)(London, Ellen) (Filed on 4/20/2018) Modified on 4/23/2018 (aaaS, COURT STAFF). (Entered: 04/20/2018)</p>

04/20/2018	<u>14</u>	CERTIFICATE OF SERVICE by American Small Business League re <u>11</u> Case Management Scheduling Order, (Olson, Karl) (Filed on 4/20/2018) (Entered: 04/20/2018)
04/25/2018	<u>15</u>	RESPONSE to re <u>13</u> Response ( Non Motion ) <i>Reply Brief in Support of Administrative Motion to Relate Case</i> by American Small Business League. (Olson, Karl) (Filed on 4/25/2018) (Entered: 04/25/2018)
04/30/2018	<u>16</u>	<b>ORDER RELATING CASE. Signed by Judge Alsup on 4/30/2018. (whalc2, COURT STAFF) (Filed on 4/30/2018) (Entered: 04/30/2018)</b>
05/01/2018	<u>17</u>	Case reassigned to Judge Judge William Alsup. Judge William H. Orrick no longer assigned to the case. This case is assigned to a judge who participates in the Cameras in the Courtroom Pilot Project. See General Order 65 and <a href="http://cand.uscourts.gov/cameras">http://cand.uscourts.gov/cameras</a> (srnS, COURT STAFF) (Filed on 5/1/2018) (Entered: 05/01/2018)
05/03/2018	<u>18</u>	ANSWER to Complaint by Department of Defense. (London, Ellen) (Filed on 5/3/2018) (Entered: 05/03/2018)
05/03/2018	<u>19</u>	CLERK'S NOTICE SCHEDULING INITIAL CASE MANAGEMENT ON REASSIGNMENT: Initial Case Management Conference set for <b>6/28/2018 at 11:00 AM</b> in San Francisco, Courtroom 12, 19th Floor. Case Management Statement due by 6/21/2018. Judge Alsup's standing orders may be downloaded from the Court's web page at: <a href="http://www.cand.uscourts.gov/whaorders">www.cand.uscourts.gov/whaorders</a> . <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (afmS, COURT STAFF) (Filed on 5/3/2018) (Entered: 05/03/2018)
05/24/2018	<u>20</u>	AMENDED COMPLAINT against Department of Defense. Filed by American Small Business League. (Olson, Karl) (Filed on 5/24/2018) (Entered: 05/24/2018)
06/07/2018	<u>21</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (London, Ellen) (Filed on 6/7/2018) (Entered: 06/07/2018)
06/07/2018	<u>22</u>	ANSWER to Amended Complaint <i>Defendant's Answer and Affirmative Defenses to Plaintiff's First Amended Complaint for Declaratory and Injunctive Relief</i> by Department of Defense. (London, Ellen) (Filed on 6/7/2018) (Entered: 06/07/2018)
06/12/2018	<u>23</u>	NOTICE by Department of Defense <i>of government action</i> (London, Ellen) (Filed on 6/12/2018) (Entered: 06/12/2018)
06/14/2018	<u>24</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Olson, Karl) (Filed on 6/14/2018) (Entered: 06/14/2018)
06/21/2018	<u>25</u>	CASE MANAGEMENT STATEMENT filed by Department of Defense. (London, Ellen) (Filed on 6/21/2018) (Entered: 06/21/2018)
06/28/2018	<u>26</u>	<b>CASE MANAGEMENT SCHEDULING ORDER: Further Case Management Conference set for 7/19/2018 11:00 AM in San Francisco, Courtroom 12, 19th Floor. Case Management Statement due by 7/12/2018. Signed by Judge William Alsup on 6/28/2018. (whasec, COURT STAFF) (Filed on 6/28/2018) (Entered: 06/28/2018)</b>
06/28/2018	<u>27</u>	<p><b>Minute Entry for proceedings held before Judge William Alsup:</b></p> <p><b>Initial Case Management Conference held on 6/28/2018. Counsel states that all documents should be produced in roughly 3 months. The Court sets a further case management conference for 7/19/2018 at 11:00 a.m. to monitor the progress.</b></p> <p><b>Total Time in Court: 2 Minutes.</b>  <b>Court Reporter: Belle Ball.</b></p> <p><b>Plaintiff Attorney: Karl Olson.</b>  <b>Defendant Attorney: Ellen London.</b></p> <p><b>(afmS, COURT STAFF) (Date Filed: 6/28/2018) (Entered: 06/28/2018)</b></p>

06/29/2018	<u>28</u>	Letter from Ellen London <i>regarding DOJ FOIA request.</i> (London, Ellen) (Filed on 6/29/2018) (Entered: 06/29/2018)
07/12/2018	<u>29</u>	STIPULATION WITH PROPOSED ORDER filed by Department of Defense. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Declaration)(London, Ellen) (Filed on 7/12/2018) (Entered: 07/12/2018)
07/12/2018	<u>30</u>	CASE MANAGEMENT STATEMENT filed by Department of Defense. (London, Ellen) (Filed on 7/12/2018) (Entered: 07/12/2018)
07/17/2018	<u>31</u>	<b>ORDER GRANTING <u>29</u> STIPULATION RE PRODUCTION OF DOCUMENTS AND AMENDMENT OF COMPLAINT. Signed by Judge William Alsup. (whalc2, COURT STAFF) (Filed on 7/17/2018) (Entered: 07/17/2018)</b>
07/18/2018	<u>32</u>	CLERK'S NOTICE VACATING AND RESETTING CASE MANAGEMENT CONFERENCE: Further Case Management Conference set for 7/19/2018 at 11:00 a.m. is VACATED and RESET for <b>10/4/2018 at 11:00 AM</b> in San Francisco, Courtroom 12, 19th Floor. Case Management Statement due by 9/27/2018.If the parties have resolved all issues before the CMC date, then the parties may file a stipulated dismissal and then CMC will be vacated. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (afmS, COURT STAFF) (Filed on 7/18/2018) (Entered: 07/18/2018)
07/27/2018	<u>33</u>	NOTICE by Department of Defense <i>Notice of Agency Action</i> (London, Ellen) (Filed on 7/27/2018) (Entered: 07/27/2018)
07/31/2018	<u>34</u>	ANSWER to Complaint <i>Defendants' Answer and Affirmative Defenses to Plaintiff's Second Amended Complaint for Declaratory and Injunctive Relief</i> by Department of Defense. (London, Ellen) (Filed on 7/31/2018) (Entered: 07/31/2018)
08/10/2018	<u>35</u>	STATUS REPORT <i>Joint Status Report</i> by Department of Defense. (London, Ellen) (Filed on 8/10/2018) (Entered: 08/10/2018)
09/04/2018	<u>36</u>	NOTICE by Department of Defense <i>Notice of Agency Action</i> (London, Ellen) (Filed on 9/4/2018) (Entered: 09/04/2018)
09/14/2018	<u>37</u>	NOTICE by Department of Defense (London, Ellen) (Filed on 9/14/2018) (Entered: 09/14/2018)
09/21/2018	<u>38</u>	NOTICE by Department of Defense re <u>37</u> Notice (Other) (London, Ellen) (Filed on 9/21/2018) (Entered: 09/21/2018)
09/25/2018	<u>39</u>	NOTICE by Department of Defense re <u>38</u> Notice (Other) (London, Ellen) (Filed on 9/25/2018) (Entered: 09/25/2018)
09/27/2018	<u>40</u>	JOINT CASE MANAGEMENT STATEMENT ; <i>Stipulation and [Proposed] Order Adjourning Case Management Conference</i> filed by Department of Defense. (London, Ellen) (Filed on 9/27/2018) (Entered: 09/27/2018)
10/01/2018	<u>41</u>	<b>ORDER ADJOURNING CASE MANAGEMENT CONFERENCE AND SETTING BRIEFING SCHEDULE (as modified) (re <u>40</u> ). Signed by Judge Alsup on 10/1/2018. (whalc2, COURT STAFF) (Filed on 10/1/2018) (Entered: 10/01/2018)</b>
10/01/2018		Set/Reset Hearing (whalc2, COURT STAFF) (Filed on 10/1/2018) (Entered: 10/01/2018)
10/02/2018		Set/Reset Deadlines:, Set/Reset Deadlines as to <u>41</u> Order., ***Deadlines terminated. <u>41</u> Order. Government's Summary Judgment Motion due by 11/16/2018. Plaintiff's Opposition /Cross Motions due by 12/7/2018. Government's Reply / Cross-Opposition due by 12/20/2018. Plaintiff's cross-reply due 1/3/2019. Cross- Motion(s) for Summary Judgment Hearing set for 1/24/2019 08:00 AM in San Francisco, Courtroom 12, 19th Floor before Judge William Alsup. (tLS, COURT STAFF) (Filed on 10/2/2018) (Entered: 10/02/2018)
10/03/2018	<u>42</u>	<b>*** NOTICE OF APPEARANCE ***</b> MOTION for Leave to Appear Notice of Appearance of Counsel filed by American Small Business League. (Field, Aaron) (Filed on 10/3/2018) Modified on 10/3/2018 (fff, COURT STAFF). (Entered: 10/03/2018)



10/03/2018	<u>43</u>	NOTICE by American Small Business League of <i>Change of Firm Name</i> (Field, Aaron) (Filed on 10/3/2018) (Entered: 10/03/2018)
11/16/2018	<u>44</u>	MOTION for Summary Judgment ; <i>Memorandum of Points and Authorities in Support of Motion</i> filed by Department of Defense. Motion Hearing set for 1/24/2019 08:00 AM in San Francisco, Courtroom 12, 19th Floor before Judge William Alsup. Responses due by 11/30/2018. Replies due by 12/7/2018. (Attachments: # <u>1</u> Declaration of Janice Buffler, # <u>2</u> Declaration of Mark Herrington, # <u>3</u> Declaration of Ellen London, # <u>4</u> Declaration of Hirsh Kravitz, # <u>5</u> Declaration of Kimberly Friday, # <u>6</u> Declaration of Abraham Simmons, # <u>7</u> Affidavit of Susannah Raheb, # <u>8</u> Affidavit of Martha Crawford, # <u>9</u> Declaration of Bethani Clever, # <u>10</u> Declaration of Harry Nahatis, # <u>11</u> Declaration of Aleksander Lamvol, # <u>12</u> Proposed Order)(London, Ellen) (Filed on 11/16/2018) (Entered: 11/16/2018)
11/30/2018	<u>45</u>	STIPULATION WITH PROPOSED ORDER <i>TO FILE BRIEF OF NO MORE THAN THIRTY-FIVE (35) PAGES IN OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT AND IN SUPPORT OF PLAINTIFFS CROSS-MOTION FOR SUMMARY JUDGMENT</i> filed by American Small Business League. (Olson, Karl) (Filed on 11/30/2018) (Entered: 11/30/2018)
12/03/2018	<u>46</u>	<b>ORDER GRANTING 45 STIPULATED REQUEST TO FILE BRIEF OF NO MORE THAN THIRTY-FIVE (35) PAGES. Signed by Judge William Alsup. (whalc2, COURT STAFF) (Filed on 12/3/2018) (Entered: 12/03/2018)</b>
12/07/2018	<u>47</u>	OPPOSITION/RESPONSE (re <u>44</u> MOTION for Summary Judgment ; <i>Memorandum of Points and Authorities in Support of Motion</i> ) filed by American Small Business League. (Attachments: # <u>1</u> Declaration Declaration of Karl Olson in Support of Plaintiff's Cross-Motion for Summary Judgement and Opposition to Defendants' Motion for Summary Judgement, # <u>2</u> Exhibit A – to Declaration of Karl Olson, # <u>3</u> Exhibit B – to Declaration of Karl Olson, # <u>4</u> Exhibit C – to Declaration of Karl Olson, # <u>5</u> Exhibit D – to Declaration of Karl Olson, # <u>6</u> Exhibit E – to Declaration of Karl Olson, # <u>7</u> Exhibit F – to Declaration of Karl Olson, # <u>8</u> Exhibit G – to Declaration of Karl Olson, # <u>9</u> Exhibit H – to Declaration of Karl Olson, # <u>10</u> Exhibit I – to Declaration of Karl Olson, # <u>11</u> Exhibit J – to Declaration of Karl Olson, # <u>12</u> Exhibit K – to Declaration of Karl Olson, # <u>13</u> Exhibit L – to Declaration of Karl Olson, # <u>14</u> Exhibit M – to Declaration of Karl Olson, # <u>15</u> Exhibit N – to Declaration of Karl Olson, # <u>16</u> Exhibit O – to Declaration of Karl Olson, # <u>17</u> Exhibit P – to Declaration of Karl Olson, # <u>18</u> Exhibit Q – to Declaration of Karl Olson, # <u>19</u> Exhibit R – to Declaration of Karl Olson, # <u>20</u> Exhibit S – to Declaration of Karl Olson, # <u>21</u> Exhibit T – to Declaration of Karl Olson, # <u>22</u> Exhibit U – to Declaration of Karl Olson, # <u>23</u> Exhibit V – to Declaration of Karl Olson, # <u>24</u> Exhibit W – to Declaration of Karl Olson, # <u>25</u> Exhibit X – to Declaration of Karl Olson, # <u>26</u> Exhibit Y – to Declaration of Karl Olson, # <u>27</u> Exhibit Z – to Declaration of Karl Olson, # <u>28</u> Exhibit AA – to Declaration of Karl Olson, # <u>29</u> Exhibit BB – to Declaration of Karl Olson, # <u>30</u> Exhibit CC – to Declaration of Karl Olson, # <u>31</u> Exhibit DD – to Declaration of Karl Olson, # <u>32</u> Exhibit EE – to Declaration of Karl Olson, # <u>33</u> Exhibit FF – to Declaration of Karl Olson, # <u>34</u> Exhibit GG – to Declaration of Karl Olson, # <u>35</u> Exhibit HH – to Declaration of Karl Olson, # <u>36</u> Exhibit II – to Declaration of Karl Olson, # <u>37</u> Exhibit JJ – to Declaration of Karl Olson, # <u>38</u> Exhibit KK – to Declaration of Karl Olson, # <u>39</u> Exhibit LL – to Declaration of Karl Olson, # <u>40</u> Exhibit MM – to Declaration of Karl Olson, # <u>41</u> Exhibit NN – to Declaration of Karl Olson, # <u>42</u> Exhibit OO – to Declaration of Karl Olson, # <u>43</u> Exhibit PP – to Declaration of Karl Olson, # <u>44</u> Exhibit QQ – to Declaration of Karl Olson, # <u>45</u> Exhibit RR – to Declaration of Karl Olson, # <u>46</u> Exhibit SS – to Declaration of Karl Olson, # <u>47</u> Exhibit TT – to Declaration of Karl Olson, # <u>48</u> Exhibit UU – to Declaration of Karl Olson, # <u>49</u> Exhibit VV – to Declaration of Karl Olson, # <u>50</u> Declaration Declaration of Charles Tiefer in Support of Plaintiff's Cross-Motion for Summary Judgement and Opposition to Defendants' Motion for Summary Judgement, # <u>51</u> Declaration Declaration of David Downey in Support of Plaintiff's Cross-Motion for Summary Judgement and Opposition to Defendants' Motion for Summary Judgement, # <u>52</u> Exhibit A – to Declaration of David Downey, # <u>53</u> Declaration Declaration of Lloyd Chapman in Support of Plaintiff's Cross-Motion for Summary Judgement and Opposition to Defendants' Motion for Summary Judgement, # <u>54</u> Exhibit A – to Declaration of Lloyd Chapman, # <u>55</u> Exhibit B – to Declaration of Lloyd Chapman, # <u>56</u> Exhibit C – to Declaration of Lloyd Chapman, # <u>57</u> Exhibit D – to Declaration of Lloyd Chapman, # <u>58</u> Declaration Declaration of William Shook in

		Support of Plaintiff's Cross-Motion for Summary Judgement and Opposition to Defendants' Motion for Summary Judgement, # <u>59</u> Appendix Request for Judicial Notice in Support of Opposition to Defendants' Motion for Summary Judgement and Cross-Motion for Summary Judgement, # <u>60</u> Proposed Order [Proposed] Order Denying Defendants' Motion for Summary Judgement and Granting Plaintiff Cross-Motion for Summary Judgement)(Olson, Karl) (Filed on 12/7/2018) (Entered: 12/07/2018)
12/20/2018	<u>48</u>	REPLY (re <u>44</u> MOTION for Summary Judgment ; <i>Memorandum of Points and Authorities in Support of Motion</i> ) and <i>Opposition to Cross-Motion</i> filed by Department of Defense. (Attachments: # <u>1</u> Declaration of Janice Buffler, # <u>2</u> Declaration of Mark H. Herrington, # <u>3</u> Declaration of Kimberly Friday, # <u>4</u> Declaration of Ellen London)(London, Ellen) (Filed on 12/20/2018) (Entered: 12/20/2018)
12/26/2018	<u>49</u>	MOTION <i>Defendants' Administrative Motion to Continue the Hearing on the Parties' Cross Motions for Summary Judgment</i> filed by Department of Defense. Responses due by 1/9/2019. Replies due by 1/16/2019. (Attachments: # <u>1</u> Declaration of Ellen London, # <u>2</u> Proposed Order)(London, Ellen) (Filed on 12/26/2018) (Entered: 12/26/2018)